

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

**PLAINTIFF,**

**vs.**

**ALDEN SHORT, INC., AND  
HINSON JENNINGS, LLC,**

**DEFENDANTS.**

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**CA No. 3:18-CV-2125-L**

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to *Fed. R. Civ. P.* 56 and *N.D. Local Rule* 56.3, Defendants move for summary judgment regarding all of Plaintiff's claims<sup>1</sup> The motion is based on the following grounds.

**A. PLAINTIFF'S CLAIMS ON BEHALF OF CLAUDIA GUARDIOLA:**

Adequate time for discovery has passed and the EEOC has failed to produce evidence sufficient to raise a genuine issue of material fact regarding the third or fourth elements of a *prima facie* case of unlawful, hostile environment harassment on the basis of national origin.

**B. PLAINTIFF'S CLAIMS ON BEHALF OF LETICIA STEWART:**

Adequate time for discovery has passed and the EEOC has failed to produce evidence sufficient to raise a genuine issue of material fact regarding the third

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<sup>1</sup> Pursuant to *N.D. Local Rule* 56.3(b), the elements of the claims regarding which Defendant seeks summary judgment are set forth in Defendant's brief in support of the motion.

or fourth elements of a *prima facie* case of unlawful, hostile environment harassment on the basis of national origin.

**C. PLAINTIFF'S CLAIMS ON BEHALF OF LINDA SPEARS:**

Adequate time for discovery has passed and the EEOC has failed to produce evidence sufficient to raise a genuine issue of material fact regarding the third or fourth elements of a *prima facie* case of unlawful, hostile environment harassment on the basis of national origin.

**D. PLAINTIFF'S CLAIMS AGAINST ALDEN SHORT:**

Adequate time for discovery has passed and the Commission has failed to produce sufficient evidence to create a genuine issue of material fact either that (1) Alden Short is an “employer” within the meaning of TITLE VII; or (2) to overcome the presumption of limited liability and establish that an employer-employee relationship existed between Alden Short and any of the three Claimants.

**CONCLUSIONS AND REQUESTED RELIEF**

For all of the foregoing reasons, Defendants respectfully request that the motion be, in all things granted.

Respectfully Submitted,

/s/ John L. Ross  
**JOHN L. ROSS<sup>2</sup>**  
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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

Pursuant to *Fed. R. Civ. P.* 5(b)(2)(E) and 5(b)(3), I hereby certify a true and correct copy of the foregoing document was filed electronically and notice of the filing was thereby given to Plaintiff's counsel on the date file-stamped by the Clerk. Parties may access this filing through the court's electronic filing system.

*/s/ John L. Ross* \_\_\_\_\_  
**JOHN L. ROSS**